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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

RYAN GENE CARTER,

Petitioner,

vs.

ROBERT LEGRAND et al.,

Respondents.

3:14-cv-00040-RCJ-VPC

**ORDER** 

Petitioner Robert Gene Carter is a prisoner in the custody of the Nevada Department of Corrections pursuant to two convictions for sexual assault under state law. His Amended Petition for habeas corpus relief under 28 U.S.C. § 2254 lists twelve grounds of ineffective assistance of trial counsel in violation of the Sixth and Fourteenth Amendments. Respondents moved to dismiss. The Court rejected Respondents' argument that the untimely Amended Petition did not relate back to the original Petition. The Court agreed with Respondents, however, that Ground 12 and part of Ground 11 should be dismissed for failure to state a claim. Respondents have asked the Court to reconsider in part and dismiss all grounds as untimely. Petitioner has not responded in the seven months the motion has been pending, and the electronic record indicates notice of the motion was mailed to Petitioner at his address of record. Petitioner has thereby consented to the granting of the motion. *See* L.R. 7-2(d).

**CONCLUSION** IT IS HEREBY ORDERED that the Motion to Reconsider (ECF No. 24) is GRANTED, and the Amended Petition is DISMISSED. IT IS FURTHER ORDERED that the Clerk shall enter judgment and close the case. IT IS FURTHER ORDERED that the Motion for Enlargement of Time (ECF No. 25) is DENIED as moot. Dated this 21st day of September, 2016. United States District Judge